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JABARI MANN,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

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ORDER

WHEREAS on October 23, 2020, Magistrate Judge Freeman ordered Plaintiff to show cause by November 13, 2020, why the case should not be dismissed for failure to prosecute (Dkt 38);

WHEREAS Plaintiff failed to respond to Magistrate Judge Freeman's order to show cause;

WHEREAS on November 24, 2020, Defendant renewed its motion to dismiss for failure to prosecute (Dkt. 39);

WHEREAS on December 7, 2020, Magistrate Judge Freeman issued a report and recommendation (R&R), recommending that the case be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) (Dkt. 40);

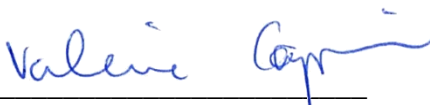
WHEREAS Plaintiff failed to object or otherwise respond to Magistrate Judge Freeman's R&R;

IT IS HEREBY ORDERED THAT: This case is DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Because the R&R gave Plaintiff adequate warning, *see* R&R at 1-2, Plaintiff's failure to file objections to the R&R precludes appellate review of this decision. *See Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002). Accordingly, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and, therefore, permission to proceed *in forma pauperis* for purposes of appeal is denied.

The Clerk of Court is directed to close all open motions, terminate this case, and mail a copy of this order to Plaintiff.

SO ORDERED.

Date: December 28, 2020
New York, New York



VALERIE CAPRONI
United States District Judge